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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,959	12/11/2000	Doron Elgressy	0655/62931	5350

7590	03/03/2005

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EXAMINER
NGUYEN, MINH DIEU T

ART UNIT	PAPER NUMBER
2137	

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>16 November 2004</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-14</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-14</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>11/16/04</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Response to Amendment

1.   This action is in response to the communication dated November 16, 2004.

Claims 1-14 are pending.

Response to Arguments

2.   The objection to the specification is overcome.

3.   Applicant's arguments, filed November 16, 2004, with respect to the

rejection(s)of claim(s) 1 and 5 under Touboul have been fully considered and are

persuasive. Therefore, the rejection has been withdrawn. However, upon further

consideration, a new ground(s) of rejection is made in view of Touboul and Hayman et

al.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Touboul (6,092,194) in view of Hayman et al. (5,859,966).

a)   **As to claim 1**, Touboul discloses a system and method for protecting a

computer and a network from hostile downloadables comprising the steps of

      i)   providing a list of services (col. 5, lines 59-67 to col. 6, lines 1-4;

Fig. 3, element 310) that are not allowed for access by unspecified applications

(col. 4, lines 21-22)

      ii)   when such unspecified application runs on the workstation,

preventing the application from accessing any resource directly (addressed by

Hayman et al.)

      iii)   analyzing any direct or indirect request for access to specific

services, to determine whether such request is allowable according to the list

defined under i) above (col. 4, lines 18-21)

      iv)   if the request is allowable, allowing the workstation to process it

(Fig. 6C, element 666)

      v)   if the request is not allowable, preventing the unspecified

application from accessing the requested resource (Fig. 6C, element 670)

      wherein the resource may be any local or remote resource, including, but

not limited to, memory allocation, files, directories, operations with files and

directories, such as copy, delete or compress, or any other operation leading to a

permanent change in the workstation or its periphery (col. 5, lines 59-67 to col. 6,

lines 1-4).

Touboul discloses security systems are designed to prevent viruses i.e.

unspecified applications from attacking computer systems (col. 1, lines 37-40).

However, Touboul does not explicitly disclose when unspecified application runs on the workstation, preventing the application from accessing any resource directly.

Hayman discloses a security system for computer systems that prevents a hostile use of computer resources by an application running on a workstation (Abstract) comprising the step of when unspecified application runs on the workstation, preventing the application from accessing any resource directly (col. 7, lines 25-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of preventing unspecified application from accessing any resource directly in the system of Touboul as Hayman teaches to effectively protect computer resources.

b)   **As to claim 2**, Touboul discloses the method wherein the list of services is provided as a look-up table (col. 5, lines 59-67 to col. 6, lines 1-4; Fig. 3, element 310; col. 5, lines 45-48).

c)   **As to claims 3 and 9**, Touboul discloses the method wherein an unspecified application is an application which is not specifically identified in a pre-set list of applications (col. 4, lines 29-33).

d)   **As to claims 4, 8, 10 and 12-14**, Touboul discloses the method wherein the pre-set list of applications includes a list of resources which each application may utilize (col. 4, lines 33-40; Figure 4).

e)   **As to claim 5**, Touboul discloses an agent for protecting a workstation against the hostile use of computer resources by an unspecified application running on the workstation comprising:

      i)   means for detecting an unspecified application running on the
workstation (Figure 3, "Path 1")

      ii)   means for determining the requests for resources to be used by the
unspecified application (addressed by Hayman).

      iii)   means for identifying chain requests for resources utilization,
wherein the chain requests comprise requests made by resources called by the
unspecified application (Figure 3, "Path 4")

      iv)   means for determining whether requests made directly by the
unspecified application are allowable (Figure 3, "Path 2")

      v)   means for determining whether requests made indirectly, as chain
requests, by the unspecified application would be not allowable if made directly
by the unspecified application (Figure 3, "Path 2" and "Path 4"; col. 5, lines 10-
15)

      vi)   means for preventing the chain request from being processed, if it
is determined that the request is not allowable, or that it would not be allowable if
made directly by the unspecified application, and for allowing its processing if
otherwise determined (Figure 6C).

Touboul discloses security systems are designed to prevent viruses i.e.
unspecified applications from attacking computer systems (col. 1, lines 37-40).
However, Touboul does not explicitly disclose means for determining the requests for
resources to be used by the unspecified application.

Hayman discloses a security system for computer systems that prevents a

hostile use of computer resources by an application running on a workstation (Abstract)

comprising means for determining the requests for resources to be used by the

unspecified application (col. 7, lines 25-30).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to employ the use of determining the requests for resources to be used by the

unspecified application in the system of Touboul as Hayman teaches to effectively

protect computer resources.

f)   **As to claim 6**, Touboul discloses the agent wherein the means for

determining whether requests made directly or indirectly by the unspecified application

are allowable comprise a look-up table including a list of services that are not allowed

for access by unspecified applications (col. 5, lines 10-15; Figure 4).

g)   **As to claims 7 and 11**, Touboul discloses the agent wherein the

resources may be any local or remote resource, including, but not limited to, memory

allocation, files, directories, operations with files and directories, such as copy, delete or

compress, or any other operation leading to a permanent change in the workstation or

its periphery (col. 5, lines 59-67 to col. 6, lines 1-4).

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-

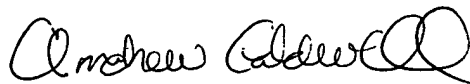3873. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Minh Dieu Nguyen
Examiner
Art Unit 2137

mdn
2/25/05

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER